

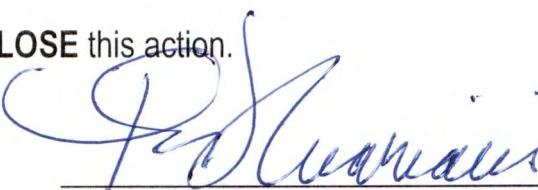
THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM J. PASSARELLA, JR., :  
Plaintiff :  
v. : 3:19-CV-1257  
: (JUDGE MARIANI)  
INTERNAL REVENUE SERVICE, :  
Defendant :  
:

ORDER

AND NOW, THIS 7<sup>th</sup> DAY OF DECEMBER, 2020, upon review of Magistrate Judge Arbuckle's Report & Recommendation ("R&R") (Doc. 10) for clear error or manifest injustice, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. 10) is ADOPTED for the reasons stated therein.
2. Plaintiff's action is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(g).<sup>1</sup>
3. The Clerk of Court is directed to CLOSE this action.

  
\_\_\_\_\_  
Robert D. Mariani  
United States District Judge

<sup>1</sup> The R&R in this action was issued over one year ago on October 23, 2019. Since that time, Plaintiff has not filed any objections or any other documents of record. In addition, on October 23, 2019, Magistrate Judge Arbuckle also issued an separate order informing Plaintiff that "his case has not been closed and will not be closed unless the District Judge adopts [the R&R] recommending that Plaintiff not be allowed to proceed *in forma pauperis*" and that "Plaintiff's concerns [with respect to the Order directing him to pay the filing fee] would be more appropriately raised as objections to this report." (Doc. 9). Plaintiff was thus placed on notice twice, both through the R&R and the Magistrate Judge's Order (Docs. 9, 10), that his case was not closed and that he could file objections to the Magistrate Judge's determination that he must pay the full filing fee, but did not do so. These facts support a finding that this action also may be dismissed for failure to prosecute and that it has been abandoned.